

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GLENN PETKOVSEK

Appeal No. 2002-1237
Application 09/394,228

ORDER REMANDING TO EXAMINER

On April 23, 2002, applicant filed a timely Reply Brief (Paper No. 15).

In accordance with the revision effective December 1, 1997, Title 37, Code of Federal Regulations, §1.193 states:

(b)(1)... The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

In view of this revision, the examiner must either: 1) reopen prosecution in order to respond to the Reply Brief (Paper No. 15, or 2) acknowledge receipt and entry of the Reply Brief.

Appeal No. 2002-1237
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Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration and proper response of the Reply Brief and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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